

REMARKS

Examiner has objected to the drawings under 37 CFR 1.84(p)(5) "because they do not include the following reference sign(s) mentioned in the description: 28a, 42, 54a-54e, 62a-62b, 62c-62d, 62k-62l." In response, Applicant has amended Figure 1, changing incorrect reference number 28b to correct number 28a. With respect to reference number 42, Applicant has amended Figure 3 to include the chalkboard as disclosed, and reference number 42 therefor. Applicant has further amended page 12 of the Specification to reflect that number 42 is now shown. With respect to reference numbers 54a-54e, Applicant has amended Figure 3 to include reference number 54a-54e. Further, Applicant has amended page 13 of the Specification to reflect that numbers 54a-54e are now shown in the drawings. With respect to reference numbers 62a-62b, 62c-62d and 62k-62l, Applicant has amended the Specification page 14 to remove those reference numerals. Therefore, Applicant believes drawings should no longer be objectionable.

Examiner has rejected Claims 1-17 under 35 U.S.C. §112, stating that "there is no antecedent basis for 'the stored contents.'" In response, Applicant has amended Independent Claim 1 to define that the interior compartment is for receiving contents for storage, wherein the contents are a workpiece and not intended to be a claimed element. It is true, however, that the "theme" of the contents, or

workpiece, preferably relates to the shape of the container. For example, school memorabilia-type contents are to be stored within the schoolhouse themed version, sports-type contents are to be stored within an arena version. Applicant believes that the amendment renders Independent Claim 1 no longer objectionable, and thus Examiner's rejection of depending Claims 2-17 is moot.

Examiner has rejected Claims 1-2, 4-9, 12-14, and 16 under 35 U.S.C. § 102(b) as being anticipated by *Macken* ('729). Specifically, Examiner has stated that *Macken* ('729) discloses all the elements of Claim 1, wherein the "three-dimensional configuration is themedly related to stored contents." In response, Applicant has amended Independent Claims 1 and 19 and respectfully traverses Examiner's rejection.

Examiner refers to Column 2, lines 35-37 in *Macken* ('729), which states, "Area 11 can be produced by laser engraving or other suitable process to establish a suitable design theme or the like in lid 10," in order to reason that the three-dimensional configuration is themedly related to stored contents. However, this is unlike Applicant's invention, wherein the preceding line 34 of *Macken* ('729) states, "An area 11 of artwork or the like is also contemplated." Area 11 is a framed area within the lid of the cubic-shaped container. No other three-dimensional configuration is contemplated, and the "theme" is not described as being in any way related to the content, but is merely a "design theme."

Applicant has amended Independent Claims 1 and 19 to more succinctly define the three-dimensional schoolhouse shape of Applicant's device. Further, Applicant has cancelled claims 4-6, wherein the limitations thereof have been incorporated into Claim 1, as amended.

Examiner has also rejected Claims 1-2, 4-10, 12-15, and 17-18 under 35 U.S.C. § 102(b) as being anticipated by *Kelley* ('165). In response thereto, Applicant has amended Claim 1 and respectfully traverses Examiner's rejection.

Unlike Applicant's device, *Kelley* ('165) is a child's play structure having no floor or protective storage capabilities. Further, no means for supporting photographs is provided. Applicant has amended Independent Claims 1 and 19 to incorporate the unique accessways provided in Applicant's invention whereby photos can be slidably inserted "within" the confines of the wall of the schoolhouse storage container for display mounting therein. None of the references describes any such combination, nor its desirability.

Because "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference," *Verdegaal Bros. V. Union Oil co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987), and because the references do not describe each and every element of Applicant's device, Applicant believes that Applicant's Independent Claims 1 and 19, as amended, are distinguished.

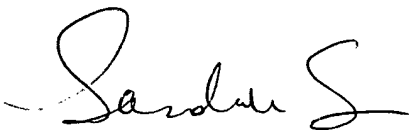
In order that Applicant may proceed with examination and patenting of his preferred schoolhouse embodiment, Claim 14 regarding a sports arena embodiment has been cancelled herein, specifically without prejudice. That is, Applicant specifically reserves the right to proceed with claims directed to the arena embodiment, or any other embodiment as disclosed in the originally filed application, in a continuation application, or continuation in part, to be filed during the pendency of this parent application.

Applicant believes that the foregoing amendments and arguments distinguish the claims over the prior art and establish that Applicant's claimed invention is novel and non-obvious, thereby placing the rejected independent claims 1 and 19 and all remaining depending claims in condition for allowance.

CONCLUSION

The above amendments are corrections to form and thus, no new matter was added. In light of the above amendments and arguments, Applicant respectfully believes that Claims 1-3, 7-13, and 15-19 are now allowable. Should there be any questions or concerns, the Examiner is invited to telephone Applicant's undersigned attorney.

Respectfully submitted, this 19th day of May, 2005.



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AMENDMENTS TO THE DRAWINGS

Please replace present drawing figures 1 and 3 with amended drawing figures 1 and 3 as attached hereto.